

SECOND REGULAR SESSION

SENATE BILL NO. 954

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time January 15, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4410S.011

AN ACT

To repeal sections 116.010 and 116.080, RSMo, and to enact in lieu thereof three new sections relating to initiative and referendum petition circulators, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 116.010 and 116.080, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 116.010, 116.075,
3 and 116.080, to read as follows:

116.010. As used in this chapter, unless the context otherwise indicates[,]:

2 (1) "County" means any one of the several counties of this state or the city
3 of St. Louis;

4 (2) "Election authority" means a county clerk or board of election
5 commissioners, as established by section 115.015, RSMo;

6 (3) "General election" means the first Tuesday after the first Monday in
7 November in even-numbered years;

8 (4) "Official ballot title" means the summary statement and fiscal note
9 summary prepared for all statewide ballot measures in accordance with the
10 provisions of this chapter which shall be placed on the ballot and, when
11 applicable, shall be the petition title for initiative or referendum petitions;

12 (5) **"Resident" means a person who does not claim resident**
13 **privileges in another state or country, and whose actual residence and**
14 **legal permanent home address are both in Missouri, and have been for**
15 **at least thirty days before registering with the secretary of state;**

16 (6) "Statewide ballot measure" means a constitutional amendment
17 submitted by initiative petition, the general assembly or a constitutional

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 convention; a statutory measure submitted by initiative or referendum petition;
 19 the question of holding a constitutional convention; and a constitution proposed
 20 by a constitutional convention;

21 ~~[(6)]~~ (7) "Voter" means a person registered to vote in accordance with
 22 section 115.151, RSMo.

**116.075. It shall be unlawful for petition circulators to receive
 2 payment or anything of value based on the number signatures collected
 3 for any initiative or referendum petition. Any person convicted of a
 4 violation of this section is guilty of a class A misdemeanor punishable,
 5 notwithstanding the provisions of section 560.021, RSMo, to the
 6 contrary, for a term of imprisonment not to exceed one year in the
 7 county jail or a fine not to exceed ten thousand dollars, or both. All
 8 signatures filed with the secretary of state gathered by circulators
 9 found to be in violation of this section shall not be counted.**

116.080. 1. Each petition circulator shall be at least eighteen years of
 2 age, **a resident of the state of Missouri**, and registered with the secretary of
 3 state. Signatures collected by any circulator who has not registered with the
 4 secretary of state pursuant to this chapter on or before 5:00 p.m. on the final day
 5 for filing petitions with the secretary of state shall not be counted.

6 2. Each petition circulator shall supply the following information to the
 7 secretary of state's office:

- 8 (1) Name of petition;
- 9 (2) Name of circulator;
- 10 (3) Residential address, including street number, city, state and zip code;
- 11 (4) Mailing address, if different;
- 12 (5) Have you been or do you expect to be paid for soliciting signatures for
 13 this petition?

14 YES NO;

- 15 (6) If the answer to subdivision (5) is yes, then identify the payor;
- 16 (7) Signature of circulator.

17 3. The circulator information required in subsection 2 of this section shall
 18 be submitted to the secretary of state's office with the following oath and
 19 affirmation:

20 I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT
 21 ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT.

22 4. Each petition circulator shall subscribe and swear to the proper

23 affidavit on each petition page such circulator submits before a notary public
24 commissioned in Missouri. When notarizing a circulator's signature, a notary
25 public shall sign his or her official signature and affix his or her official seal to
26 the affidavit only if the circulator personally appears before the notary and
27 subscribes and swears to the affidavit in his or her presence.

28 5. Any circulator who falsely swears to a circulator's affidavit knowing it
29 to be false is guilty of a class A misdemeanor punishable, notwithstanding the
30 provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment
31 not to exceed one year in the county jail or a fine not to exceed ten thousand
32 dollars or both.

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Bill

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